
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1811 Session of
2019

INTRODUCED BY NESBIT, DeLUCA, FREEMAN, HILL-EVANS, JAMES,
JOZWIAK, MEHAFFIE, MILLARD, NEILSON AND ZIMMERMAN,
SEPTEMBER 16, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
SEPTEMBER 16, 2019

AN ACT

1 Providing for medical imaging and radiation therapy licensure;
2 establishing the Medical Imaging and Radiation Therapy Board
3 of Examiners and providing for its powers and duties;
4 prescribing penalties; making a transfer; and making related
5 repeals.

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16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 CHAPTER 1

19 PRELIMINARY PROVISIONS

20 Section 101. Short title.

21 This act shall be known and may be cited as the Medical
22 Imaging and Radiation Therapy Licensure Act.

23 Section 102. Declaration of purpose.

24 The General Assembly finds and declares as follows:

25 (1) The residents of this Commonwealth are entitled to
26 the maximum protection from the harmful effects of excessive
27 and improperly performed medical imaging or radiation therapy
28 procedures.

29 (2) Patient protection can be increased by requiring
30 appropriate education, training, examination and

1 certification for individuals operating medical imaging or
2 radiation therapy equipment and performing medical imaging or
3 radiation therapy procedures.

4 (3) It is necessary to establish licensure for health
5 care professionals operating medical imaging or radiation
6 therapy equipment and performing medical imaging or radiation
7 therapy procedures.

8 Section 103. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Accredited educational program." A program in medical
13 imaging or radiation therapy that is accredited by an
14 accrediting agency recognized and approved by the United States
15 Department of Education.

16 "Advanced diagnostic medical sonographer." A diagnostic
17 medical sonographer who is licensed under this act to perform
18 advanced or expanded diagnostic medical sonography procedures
19 under the supervision of a physician licensed in this
20 Commonwealth.

21 "Board." The Medical Imaging and Radiation Therapy Board of
22 Examiners established under this act.

23 "Bone densitometry." The determination of bone mass by means
24 of the radiation absorption by a skeleton or part of a skeleton.

25 "Business entity." A corporation, partnership, association,
26 limited liability company or limited liability partnership.

27 "Certification organization." A national certification
28 organization that specializes in the certification and
29 registration of medical imaging or radiation therapy technical
30 personnel and is accredited by the National Commission for

1 Certifying Agencies, the American National Standards Institute,
2 the International Organization for Standardization or another
3 accreditation organization recognized by the board.

4 "Commissioner." The Commissioner of Professional and
5 Occupational Affairs.

6 "Computed tomography." The process of producing sectional
7 and three-dimensional images using external ionizing radiation
8 for diagnostic or therapeutic purposes.

9 "Diagnostic medical sonographer." An individual who is
10 licensed under this act to perform diagnostic medical sonography
11 procedures.

12 "Diagnostic medical sonography." The use of high-frequency
13 sound waves with specialized equipment to direct the sound waves
14 into an area of the human body to generate a diagnostic image
15 for diagnostic or therapeutic purposes.

16 "Fluoroscopy." The exposure of a patient to X-rays in a
17 fluoroscopy mode, including positioning the patient and
18 fluoroscopy equipment and the selection of exposure factors.

19 "Hybrid imaging." Medical imaging that combines more than
20 one medical imaging modality.

21 "Ionizing radiation." Radiation that may consist of alpha
22 particles, beta particles, gamma rays, X-rays, neutrons, high-
23 speed electrons, high-speed protons or other particles capable
24 of producing ions. The term does not include nonionizing
25 radiation, such as high-frequency sound waves, magnetic fields,
26 microwaves, radiofrequency signals or visible, infrared or
27 ultraviolet light.

28 "License." Authorization from this Commonwealth to use
29 radioactive substances or equipment emitting high-frequency
30 sound waves, ionizing radiation, magnetic fields or

1 radiofrequency signals for medical imaging or radiation therapy
2 procedures on humans for diagnostic or therapeutic purposes in
3 accordance with this act and the regulations adopted by the
4 board.

5 "Licensed practitioner." An individual licensed to practice
6 medicine, dentistry, podiatry, chiropractic or osteopathy in
7 this Commonwealth.

8 "Licensee." An individual who is licensed under this act to
9 perform medical imaging or radiation therapy procedures and
10 operate medical imaging or radiation therapy equipment.

11 "Limited X-ray machine operator." An individual who is
12 licensed under this act to perform, under the supervision of a
13 radiographer or licensed practitioner, diagnostic radiography or
14 bone densitometry procedures using equipment that emits external
15 ionizing radiation resulting in diagnostic radiographic images
16 of selected specific parts of human anatomy or bone density
17 measurements.

18 "Magnetic resonance imaging." The creation or acquisition of
19 images generated by using radiofrequency signals within a
20 magnetic field for diagnostic or therapeutic purposes.

21 "Magnetic resonance technologist." A person who is licensed
22 under this act to perform magnetic resonance procedures using
23 magnetic fields and radiofrequency signals.

24 "Medical imaging." A modality used to produce images of the
25 internal structures of the human body for diagnostic,
26 interventional or therapeutic purposes through the use of
27 electromagnetic waves, sound waves, radio waves, magnetic fields
28 or radioactive materials.

29 "Mobile imaging." Any arrangement in which medical imaging
30 services are transported to various sites. The term does not

1 include movement within a hospital or movement to a site where
2 the equipment will be located permanently.

3 "Modality." Technologies used in the diagnosis or treatment
4 of disease or other medical conditions in human beings,
5 including:

- 6 (1) diagnostic medical sonography and its
7 specializations;
- 8 (2) magnetic resonance imaging and its specializations;
- 9 (3) nuclear medicine and its specializations;
- 10 (4) radiation therapy and its specializations; or
- 11 (5) radiography and its specializations.

12 "Nuclear medicine technologist." An individual who is
13 licensed under this act to prepare and administer
14 radiopharmaceuticals and adjunctive medicines and perform
15 nuclear medicine and molecular imaging and therapeutic
16 procedures using sealed and unsealed radiation sources and
17 ionizing and non-ionizing radiation.

18 "Nuclear medicine technology." Medical imaging that utilizes
19 sealed and unsealed radioactive materials for diagnostic,
20 treatment and research purposes. The term includes, but is not
21 limited to, the following:

- 22 (1) The procurement, preparation and administration of
23 radiopharmaceuticals, adjunctive and imaging medications.
- 24 (2) The combination of nuclear medicine instrumentation
25 with computed tomography, magnetic resonance imaging or other
26 modalities to produce three-dimensional images with or
27 without adjunctive and imaging medications to enhance the
28 evaluation of physiological processes at a molecular level.

29 "Physician assistant." An individual who is licensed in this
30 Commonwealth as a physician assistant under section 13 of the

1 act of December 20, 1985 (P.L.457, No.112), known as the Medical
2 Practice Act of 1985.

3 "Physician assistant-certified fluoroscopy operator" or "PA-C
4 fluoroscopy operator." A physician assistant who is licensed
5 under this act to perform fluoroscopy procedures.

6 "Public member." An individual who is a resident of this
7 Commonwealth but who is not any of the following:

8 (1) A licensed practitioner.

9 (2) An individual who performs medical imaging or
10 radiation therapy procedures under this act.

11 (3) Affiliated with a group or profession that provides
12 or regulates health care or that would hinder the public
13 member in representing the interest of the public.

14 "Radiation therapist." An individual who is licensed under
15 this act to perform procedures involving administration of
16 ionizing radiation to human beings for therapeutic purposes.

17 "Radiation therapy." The use of ionizing radiation for
18 treating disease.

19 "Radiographer." An individual who is licensed under this act
20 to perform diagnostic radiographic procedures using external
21 ionizing radiation to produce bone density measurements or
22 radiographic, fluoroscopic or digital images.

23 "Radiography." The process of obtaining an image using
24 external ionizing radiation for diagnostic or therapeutic
25 purposes.

26 "Radiologist." A physician licensed in this Commonwealth who
27 is board-eligible for certification or certified by the American
28 Board of Radiology, the American Osteopathic Board of Radiology,
29 the British Royal College of Radiology or the Royal College of
30 Physicians and Surgeons of Canada.

1 "Radiologist assistant." A radiographer who is licensed
2 under this act to perform a variety of activities under the
3 supervision of a radiologist in the areas of patient care,
4 patient management and medical imaging procedures.

5 "Specialization." A medical specialty area or type of
6 equipment used within a medical imaging or radiation therapy
7 modality, which has a corresponding certification from a
8 certification organization recognized by the board.

9 "Temporary license." A license issued by the board
10 authorizing an individual to perform medical imaging or
11 radiation therapy while an application for a new license or
12 renewal of a license is pending before the board and when the
13 issuance may be justified by special circumstances as determined
14 by the board.

15 CHAPTER 2

16 HEALTH AND SAFETY REQUIREMENTS

17 Section 201. Scope of chapter.

18 This chapter relates to medical imaging and radiation therapy
19 health and safety.

20 Section 202. Medical Imaging and Radiation Therapy Board of
21 Examiners.

22 (a) Establishment and composition.--The Medical Imaging and
23 Radiation Therapy Board of Examiners is established. Board
24 members shall be appointed by the Governor and approved by the
25 Senate. The initial board shall be appointed within 90 days
26 following the effective date of this section. The members of the
27 board shall include:

28 (1) The Secretary of Health or a designee.

29 (2) The commissioner.

30 (3) The Director of the Bureau of Consumer Protection in

1 the Office of Attorney General or a designee.

2 (4) A member representing the general public.

3 (5) Two licensed practitioners, including a radiologist,
4 who are licensed to practice medicine under the laws of this
5 Commonwealth and who have been engaged in full-time practice
6 in this Commonwealth for at least five years immediately
7 preceding their appointment.

8 (6) Licensed medical imaging professionals as follows:

9 (i) A diagnostic medical sonographer.

10 (ii) A radiologist assistant.

11 (iii) A magnetic resonance technologist.

12 (iv) A nuclear medicine technologist.

13 (v) A radiation therapist.

14 (vi) A radiographer.

15 (vii) A full-time educator in an accredited
16 educational program in medical imaging or radiation
17 therapy.

18 (b) Qualifications for appointment.--In addition to the
19 requirements under subsection (a), the qualifications for
20 appointment to the board shall include:

21 (1) Each board member must be a resident of this
22 Commonwealth.

23 (2) The public member must be at least 21 years of age.

24 (3) Except for the public member, the State officials
25 appointed under subsection (a) (1), (2) and (3) and the
26 licensed practitioners, each board member must have at least
27 two years of experience performing medical imaging or
28 radiation therapy in the modality for which they are
29 appointed.

30 (c) Terms of office.--The following shall apply:

1 (1) The term of office of the public member shall be
2 four years and the term of office for all other members of
3 the board shall be two years and may be extended for no more
4 than six months until their successors have been appointed in
5 the manner specified under subsection (a) in accordance with
6 the qualification requirements under subsection (b).

7 (2) In the event that a member of the board should no
8 longer be able to maintain the member's position on the
9 board, then the member's successor shall be appointed in the
10 manner specified under subsection (a) in accordance with the
11 qualification requirements under subsection (b) and shall
12 hold office for the unexpired term.

13 (3) After the initial board is appointed under
14 subsection (a) and regulations are promulgated under
15 subsection (j)(4), the board shall approve three of the
16 licensed medical imaging professionals appointed under
17 subsection (a)(6) to remain on the board for a period of two
18 additional years.

19 (4) No member shall serve more than two consecutive
20 terms on the board.

21 (d) Temporary board exemption to license requirements.--An
22 individual who performs medical imaging or radiation therapy
23 procedures and is appointed to the initial board may not be
24 required to hold a valid license issued by the board until 12
25 months after the first issuance of a license by the board.

26 (e) Compensation.--The members of the board, except for the
27 commissioner, shall receive \$60 per diem when attending a board
28 meeting in-person to complete the required work of the board.
29 The members shall also receive the amount of reasonable travel,
30 hotel and other necessary expenses incurred in the performance

1 of their duties on the board in accordance with the laws of this
2 Commonwealth.

3 (f) Secretary designation.--The commissioner shall designate
4 an officer or employee of this Commonwealth, who may not be a
5 member of the board, to act as secretary of the board. The
6 Bureau of Professional and Occupational Affairs shall furnish
7 staff, logistics, budget and other support to the board as
8 appropriate.

9 (g) Meetings.--The board shall meet at least annually in
10 person, at a time and place of the board's choosing. The first
11 meeting of the board shall be for organization only, during
12 which the board shall elect a chairperson and set forth
13 responsibilities and rules. The board may meet periodically by
14 telephone or other electronic communication method to conduct
15 the duties of the board as authorized by the laws of this
16 Commonwealth.

17 (h) Meeting attendance.--A member of the board who fails to
18 attend three consecutive meetings shall forfeit the member's
19 seat unless the commissioner, upon written request from the
20 member, finds that the member should be excused from a meeting
21 because of illness or death of a family member.

22 (i) Quorum.--A majority of the voting members of the board
23 present at a board meeting shall constitute a quorum. To be
24 counted as present for the purpose of this subsection, a member
25 must attend in-person or via telephone or any other board-
26 approved form of electronic real-time communication. Action may
27 not be taken by the board except by an affirmative vote of a
28 majority of the voting members present at a board meeting.

29 (j) Powers and duties.--The board shall have the following
30 powers and duties:

- 1 (1) Administer this chapter.
- 2 (2) Issue interpretations of this chapter.
- 3 (3) Establish the scope of practice for each license or
4 permit type issued by the board.
- 5 (4) Promulgate regulations not inconsistent with the
6 laws of this Commonwealth that are necessary to carry out
7 this chapter.
- 8 (5) Set all fees and fines necessary to administer this
9 chapter.
- 10 (6) Set requirements for the issuance of a new license
11 and renewal or reinstatement of a license.
- 12 (7) Devise, contract or review and accept by regulation,
13 an examination for licensure to determine an applicant's
14 fitness to perform medical imaging or radiation therapy.
- 15 (8) Fine a licensee found to be in violation of this
16 chapter and recover costs and fees incurred in the
17 investigation of a licensee.
- 18 (9) Obtain restraining orders and injunctions
19 prohibiting conduct in violation of this chapter or
20 regulations adopted by the board, conduct investigations,
21 issue subpoenas, conduct hearings, appoint hearing officers,
22 examine witnesses and administer oaths concerning practices
23 that are alleged to violate this chapter or regulations
24 adopted by the board.
- 25 (10) Maintain a written record of all proceedings and
26 make an annual report of all board actions available to
27 licensees and other concerned parties.
- 28 (11) Develop standards and adopt regulations for the
29 improvement of the administration of medical imaging or
30 radiation therapy procedures in this Commonwealth.

1 (12) Set requirements for continuing education as a
2 requirement for license renewal. The board may review and
3 accept the continuing education and recertification or
4 continuing competency requirements established by a medical
5 imaging or radiation therapy certification organization for
6 license renewal.

7 (13) Establish criteria and standards for educational
8 programs offered in this Commonwealth in medical imaging or
9 radiation therapy. The board may review and accept the
10 accreditation criteria and standards established by an
11 appropriate educational accreditation agency.

12 (14) Approve medical imaging or radiation therapy
13 educational programs that the board determines meet the
14 criteria and standards established by the board.

15 Section 203. License required.

16 (a) Requirement.--Except as provided under this section, on
17 and after January 1, 2024, only an individual currently licensed
18 under this chapter may perform or offer to perform medical
19 imaging or radiation therapy procedures on humans for diagnostic
20 or therapeutic purposes as defined in this chapter or otherwise
21 indicate or imply that the individual is licensed to perform
22 medical imaging or radiation therapy procedures unless that
23 individual is licensed.

24 (b) Regulation of medical imaging and radiation therapy.--
25 The board shall establish, or review and adopt by regulation,
26 the education, certification, continuing education, licensure
27 and scope of practice standards for an individual performing
28 diagnostic medical sonography, fluoroscopy operation, limited X-
29 ray machine operation, magnetic resonance imaging, nuclear
30 medicine technology, radiation therapy or radiography.

1 (c) Regulation of advanced diagnostic medical sonography.--
2 The board shall establish, or review and adopt by regulation,
3 the education, certification, continuing education, licensure
4 and scope of practice standards for an individual performing
5 advanced diagnostic medical sonography procedures under the
6 supervision of a physician.

7 (d) Regulation of radiologist assistant.--The board shall
8 establish, or review and adopt by regulation, the education,
9 certification, continuing education, licensure and scope of
10 practice standards for an individual performing radiologist
11 assistant duties under the supervision of a radiologist.

12 (e) License required for employment.--A person or business
13 entity may not knowingly employ an individual who does not hold
14 a license or is not exempt under this chapter to perform medical
15 imaging or radiation therapy procedures on humans for diagnostic
16 or therapeutic purposes.

17 (f) Limitation or enlargement of practice.--Nothing under
18 this chapter relating to medical imaging or radiation therapy
19 shall limit or enlarge the practice of a licensed practitioner.

20 (g) Exemptions.--This chapter shall not apply to the
21 following:

22 (1) A licensed practitioner performing medical imaging
23 or radiation therapy procedures.

24 (2) A dental hygienist currently licensed by the
25 Commonwealth.

26 (3) A dental assistant currently licensed by the
27 Commonwealth.

28 (4) A resident physician or a student enrolled in and
29 attending a school or college of medicine, chiropractic,
30 podiatry, medical imaging or radiation therapy who performs

1 authorized medical imaging or radiation therapy procedures on
2 humans while under the supervision of a licensed practitioner
3 or supervision of an individual holding a license under this
4 chapter in the supervised modality.

5 (5) An individual who is employed by the Federal
6 Government to perform medical imaging or radiation therapy
7 procedures associated with that employment.

8 (6) An individual performing sonography procedures
9 within the individual's scope of practice that is used to
10 assess specific and limited information about a patient's
11 immediate medical condition, is limited to a focused imaging
12 target and does not generate a recorded diagnostic medical
13 image. A focused imaging target includes, but is not limited
14 to:

15 (i) assessment of fetal presentation or heartbeat;

16 (ii) assessment of fluid in a body cavity;

17 (iii) assessment of foreign body position or
18 location;

19 (iv) fetal monitoring during active labor; or

20 (v) identification of an anatomical landmark or
21 blood vessel for vascular access or administration of
22 anesthesia.

23 (7) An individual performing medical imaging or
24 radiation therapy procedures on nonhuman subjects or
25 cadavers.

26 Section 204. Scope of practice and limitations.

27 (a) Scope of practice--The board shall establish scope of
28 practice standards for each medical imaging and radiation
29 therapy modality. The board may review and adopt by regulation a
30 scope of practice from a certification organization or a

1 professional society or association.

2 (b) Computed tomography.--On and after October 1, 2025, a
3 licensee who performs computed tomography for diagnostic
4 purposes must be certified in computed tomography by the
5 American Registry of Radiologic Technologists, Nuclear Medicine
6 Technologist Certification Board or other certification
7 organization recognized by the board.

8 (c) Fluoroscopy.--An individual licensed to perform
9 radiography may perform fluoroscopy.

10 (d) PA-C fluoroscopy operator.--An individual licensed as a
11 PA-C fluoroscopy operator shall only perform fluoroscopy within
12 the scope of the license issued to the individual and shall not
13 perform computed tomography, diagnostic medical sonography,
14 magnetic resonance imaging, mammography, mobile imaging, nuclear
15 medicine technology, radiography or radiation therapy
16 procedures. A physician assistant acting within the physician
17 assistant's scope of practice and the authority delegated by the
18 physician assistant's supervising physician may make a
19 diagnostic interpretation of a fluoroscopic image within the
20 scope of the physician assistant's practice agreement.

21 (e) Limited X-ray machine operator.--An individual licensed
22 as a limited X-ray machine operator shall perform tasks or
23 procedures only within the scope of the specific permit issued
24 to the individual by the board for a particular area of the
25 human anatomy as provided under section 205 and may not perform
26 procedures involving the administration or utilization of
27 contrast media or perform computed tomography, diagnostic
28 medical sonography, fluoroscopy, magnetic resonance imaging,
29 mammography, mobile imaging, nuclear medicine technology or
30 radiation therapy.

1 (f) Nuclear medicine technologist.--An individual licensed
2 to perform nuclear medicine technology may perform computed
3 tomography or magnetic resonance imaging for attenuation
4 correction on hybrid imaging equipment.

5 (g) Radiation therapist.--An individual licensed to perform
6 radiation therapy may perform computed tomography or magnetic
7 resonance imaging for treatment planning purposes.

8 (h) Use of medical imaging or radiation therapy
9 restricted.--A licensee may use radioactive substances or
10 equipment emitting ionizing radiation, high-frequency sound
11 waves or magnetic resonance and perform medical imaging and
12 radiation therapy procedures on humans for diagnostic or
13 therapeutic purposes only:

14 (1) With a valid prescription of a person authorized by
15 the Commonwealth to prescribe medical imaging or radiation
16 therapy procedures.

17 (2) Under the supervision of a licensed practitioner.

18 (3) Within the scope of the license as specified under
19 this chapter and under the regulations adopted by the board.
20 A licensee may only perform medical imaging or radiation
21 therapy procedures in a modality for which the licensee is
22 licensed.

23 (i) Prohibitions.--Except as provided under subsection (d),
24 a licensee may not make a diagnostic interpretation of an image,
25 make a diagnosis or prescribe a medication or therapy.

26 Section 205. Requirements for licensure.

27 (a) PA-C fluoroscopy operator license.--An applicant for a
28 PA-C fluoroscopy operator license shall be a physician assistant
29 licensed in this Commonwealth who has:

30 (1) Completed 40 hours of didactic education in

1 radiation safety, radiation protection, equipment operation,
2 image acquisition and patient positioning.

3 (2) Documented 40 hours of clinical education supervised
4 by a radiologist or licensed radiographer.

5 (3) Successfully completed the American Registry of
6 Radiologic Technologists fluoroscopy examination.

7 (b) Limited X-ray machine operator license.--A limited X-ray
8 machine operator license shall be limited in scope through the
9 issuance of permits to perform diagnostic X-rays on specific
10 anatomical areas of the human body. The following shall apply:

11 (1) The permits which may be issued are:

12 (i) Chest radiography permit. Radiography of the
13 thorax, heart and lungs.

14 (ii) Extremity radiography permit. Radiography of
15 the upper and lower extremities, including the pectoral
16 girdle.

17 (iii) Spine radiography permit. Radiography of the
18 vertebral column.

19 (iv) Skull/sinus radiography permit. Radiography of
20 the skull and facial structures.

21 (v) Podiatric permit. Radiography of the foot, ankle
22 and lower leg below the knee.

23 (vi) Bone densitometry permit. An individual who is
24 certified by the International Society for Clinical
25 Densitometry or the American Registry of Radiologic
26 Technologists in bone densitometry shall be granted a
27 permit to perform bone densitometry testing.

28 (2) To be eligible for licensure by the board as a
29 limited X-ray machine operator, an applicant shall submit the
30 application fee and meet the following requirements:

1 (i) Be at least 18 years of age at the time of the
2 application.

3 (ii) Have a high school diploma or have passed an
4 approved equivalency test.

5 (iii) Have satisfactorily completed a course of
6 study in limited X-ray machine operation or its
7 equivalent as determined by the board. The curriculum for
8 the course of study shall be no less stringent than the
9 standards approved by the Joint Review Committee on
10 Education in Radiologic Technology or other appropriate
11 educational accreditation agency recognized by the board.

12 (iv) Pass an examination approved by the board.

13 (c) Medical imaging or radiation therapy license.--An
14 individual seeking to obtain a license for a medical imaging or
15 radiation therapy modality shall comply with the following
16 requirements:

17 (1) Be at least 18 years of age at the time of
18 application.

19 (2) Have a high school diploma or passed an approved
20 equivalency test.

21 (3) Have satisfactorily completed a course of study in
22 diagnostic medical sonography, magnetic resonance imaging,
23 nuclear medicine technology, radiation therapy or
24 radiography, or an equivalent to be determined by the board.

25 The following shall apply:

26 (i) The curriculum for each course of study shall be
27 no less stringent than the standards approved by the
28 Joint Review Committee on Education in Radiologic
29 Technology, Joint Review Committee on Education in
30 Nuclear Medicine Technology, Commission on Accreditation

1 of Allied Health Education Programs, regional accrediting
2 agencies or other appropriate educational accreditation
3 agency recognized by certification organizations.

4 (ii) An individual who holds a current certification
5 and registration by a certification organization
6 recognized by the board in a medical imaging or radiation
7 therapy modality or specialization shall be deemed to
8 have met the requirement of this paragraph for successful
9 completion of a course of study in the modality.

10 (4) Pass an applicable modality or specialization
11 examination administered by a certification organization
12 recognized by the board. An individual who holds a current
13 certification and registration in a medical imaging or
14 radiation therapy modality shall be deemed to have met the
15 requirements of this paragraph for successful completion of
16 an examination.

17 (d) Advanced diagnostic medical sonography license.--In
18 addition to the requirements of subsection (c):

19 (1) An individual seeking to obtain a license as an
20 advanced diagnostic medical sonographer shall:

21 (i) Hold a current license as a diagnostic medical
22 sonographer.

23 (ii) If a certification from a certification
24 organization recognized by the board is available, be
25 certified and registered by a certification organization
26 recognized by the board as an advanced diagnostic medical
27 sonographer or similar designation.

28 (iii) Submit to the board the clinical protocols to
29 be used by the individual, which shall specify procedures
30 that may be performed and levels of physician supervision

1 and shall be signed by the supervising physician. Updated
2 protocols shall be submitted biennially with license
3 renewal.

4 (2) An individual licensed as an advanced diagnostic
5 medical sonographer shall not make a diagnostic
6 interpretation of an image, make a diagnosis or prescribe a
7 medication or therapy.

8 (e) Radiologist assistant license.--In addition to the
9 requirements of subsection (c):

10 (1) An individual seeking to obtain a license as a
11 radiologist assistant shall:

12 (i) Hold a current license as a radiographer and be
13 currently certified and registered as a radiographer by
14 the American Registry of Radiologic Technologists.

15 (ii) Hold current certification and registration as
16 a radiologist assistant by the American Registry of
17 Radiologic Technologists or as a radiology practitioner
18 assistant by the Certification Board of Radiology
19 Practitioner Assistants.

20 (iii) Submit to the board clinical protocols signed
21 by the supervising radiologist specifying procedures that
22 are performed by the radiologist assistant, levels of
23 radiologist supervision and locations of practice
24 designated by the supervising radiologist. Updated
25 protocols shall be submitted biennially consistent with
26 license renewal. The radiologist assistant scope of
27 practice shall be consistent with the most recent version
28 of the Radiologist Assistant Practice Standards published
29 by the American Society of Radiologic Technologists.

30 (2) An individual licensed as a radiologist assistant

1 shall not interpret images, make diagnoses or prescribe
2 medications or therapies.

3 (f) Change of name or address.--An individual holding a
4 license or permit issued under this chapter shall notify the
5 board in writing within 90 days of a name or address change.

6 (g) Failure to maintain required certification and
7 registration.--Within 30 days, a licensee shall submit written
8 notification to the board if the licensee:

9 (1) fails to maintain a required certification and
10 registration by a certification organization; or

11 (2) is subject to any legal or disciplinary action other
12 than minor traffic infractions, or proceedings for acts or
13 conduct substantially the same as acts or conduct which would
14 constitute grounds for refusal to issue, refusal to renew,
15 suspension, revocation or other discipline of an applicant or
16 individual holding a license or permit under this chapter by
17 any:

18 (i) licensing jurisdiction, whether in the United
19 States or foreign;

20 (ii) health care institution;

21 (iii) professional society or association;

22 (iv) certification organization;

23 (v) government agency;

24 (vi) law enforcement agency; or

25 (vii) court.

26 Section 206. Nonconforming application.

27 An individual who has been engaged in the practice of medical
28 imaging and radiation therapy, other than an advanced diagnostic
29 medical sonographer or radiologist assistant, and who does not
30 hold a current certification and registration by a certification

1 organization recognized by the board may continue to practice in
2 the medical imaging or radiation therapy modality in which they
3 are currently employed if they:

4 (1) Register with the board on or before January 1,
5 2024.

6 (2) Do not change employment or the scope of their
7 current practice.

8 (3) Complete all continuing education requirements for
9 their modality or specialization biennially as prescribed by
10 the board.

11 (4) Practice only under the supervision of a licensed
12 practitioner.

13 (5) Meet all licensure requirements of this chapter and
14 the regulations adopted by the board and obtain a license
15 from the board on or before January 1, 2024.

16 Section 207. Examinations.

17 (a) Evidence of examination.--To meet the requirement of
18 examination under this chapter for advanced diagnostic medical
19 sonography, diagnostic medical sonography, magnetic resonance
20 imaging, nuclear medicine technology, radiation therapy,
21 radiography or radiologist assistant, the board shall accept
22 current certification and registration by a certification
23 organization recognized by the board in the applicant's or
24 licensee's modality.

25 (b) Limited X-ray machine operator examination.--The board
26 shall use a limited X-ray machine operator examination
27 administered by the American Registry of Radiologic
28 Technologists for individuals applying for a limited X-ray
29 machine operator license and permit in chest, extremity,
30 skull/sinus, podiatric or spine radiography. The board shall

1 determine by regulation the examination score that constitutes
2 successful completion.

3 (c) PA-C fluoroscopy operator examination.--The board shall
4 use a fluoroscopy examination administered by the American
5 Registry of Radiologic Technologists. The board shall determine
6 by regulation the examination score that constitutes successful
7 completion.

8 (d) Board administered examination.--If an examination for
9 limited X-ray machine or PA-C fluoroscopy operator is
10 administered by the board, the examination shall be given at
11 least twice each year and at a time and place and under
12 supervision as the board may require.

13 (e) Acceptance of chiropractic radiologic technologist
14 certification.--The board may accept certification and
15 registration from the American Chiropractic Registry of
16 Radiologic Technologists to meet the requirement of this section
17 for successful completion of an examination for an individual
18 applying for a limited X-ray machine operator license and permit
19 in spine radiography.

20 (f) Acceptance of podiatric medical assistant
21 certification.--The board may accept certification from the
22 American Society of Podiatric Medical Assistants to meet the
23 requirement of this section for successful completion of an
24 examination for an individual applying for a limited X-ray
25 machine operator license and permit in podiatric radiography.

26 (g) Acceptance of diagnostic medical sonography
27 certification.--The board shall accept diagnostic medical
28 sonography or advanced diagnostic medical sonography
29 certification and registration from the American Registry of
30 Radiologic Technologists, American Registry for Diagnostic

1 Medical Sonography, Cardiovascular Credentialing International
2 or another certification organization recognized by the board to
3 meet the examination requirement of this section.

4 (h) Acceptance of magnetic resonance certification.--The
5 board shall accept magnetic resonance certification and
6 registration from the American Registry of Radiologic
7 Technologists or another certification organization recognized
8 by the board to meet the examination requirement of this
9 section.

10 (i) Acceptance of nuclear medicine certification.--The board
11 shall accept nuclear medicine certification and registration
12 from the American Registry of Radiologic Technologists, Nuclear
13 Medicine Technologist Certification Board or other certification
14 organization recognized by the board to meet the examination
15 requirement of this section.

16 (j) Acceptance of radiation therapy certification.--The
17 board shall accept radiation therapy certification and
18 registration from the American Registry of Radiologic
19 Technologists or other certification organization recognized by
20 the board to meet the examination requirement of this section.

21 (k) Acceptance of radiographer certification.--The board
22 shall accept radiography certification and registration from the
23 American Registry of Radiologic Technologists or other
24 certification organization recognized by the board to meet the
25 examination requirements of this section.

26 Section 208. Issuance of license, temporary license and display
27 of license.

28 (a) Issuance of license.--The board shall issue a license to
29 an applicant who meets the requirements for licensure specified
30 in this chapter and the regulations adopted by the board,

1 verified by oath or affirmation, and upon payment of any
2 required fee. The board may issue a license with authorization
3 to perform more than one medical imaging or radiation therapy
4 modality if the person is qualified in each modality.

5 (b) Temporary license.--The board may issue a temporary
6 license to an individual whose license or license renewal may be
7 pending. The following shall apply:

8 (1) A temporary license shall be issued only if the
9 board finds that it will not violate the purpose of this
10 chapter or endanger the public health and safety.

11 (2) A temporary license in a modality shall be issued to
12 an applicant who is preparing for a certification examination
13 in the modality. The temporary license shall expire in 90
14 days. The temporary license may be reissued one time to a
15 person for an additional 90 days if the person completed but
16 did not pass a certification examination.

17 (c) Temporary license for cross-training.--Except for an
18 individual licensed as a limited X-ray machine operator or PA-C
19 fluoroscopy operator, an individual licensed under this chapter
20 may apply to the board for a temporary license in an additional
21 medical imaging or radiation therapy modality to complete
22 clinical experience requirements for an applicable training
23 pathway established by a certification organization recognized
24 by the board. Temporary licenses issued for training purposes
25 shall expire three years after issuance.

26 (d) Display of license.--Licenses shall be available upon
27 request. The copy of the current license of each licensee must
28 be maintained at the licensee's place of employment.

29 Section 209. Educational program approval.

30 (a) Educational program standards.--The board shall

1 establish, or review and adopt by regulation, standards for
2 medical imaging and radiation therapy educational programs. The
3 standards shall be no less stringent than the standards approved
4 by the Joint Review Committee on Education in Radiologic
5 Technology, Joint Review Committee on Education in Nuclear
6 Medicine Technology, Commission on Accreditation of Allied
7 Health Education Programs, regional accrediting agencies or
8 other appropriate educational accreditation agency recognized by
9 certification organizations.

10 (b) Educational program operation.--A program approved by
11 the board in diagnostic medical sonography, magnetic resonance
12 imaging, nuclear medicine technology, radiation therapy or
13 radiography shall be offered by a medical facility or
14 educational institution. The program shall be affiliated with
15 one or more hospitals or clinics approved by the board to
16 provide the requisite clinical education.

17 (c) Limited training program standards.--The board may
18 establish, or review and adopt by regulation, a course of study
19 for a PA-C fluoroscopy operator and limited X-ray machine
20 operator.

21 Section 210. License renewal.

22 (a) Term of license.--Except as otherwise provided, a
23 license issued under this chapter shall be renewed every two
24 years. The board may adjust the expiration date of a license by
25 up to six months to allow coordination with certification and
26 registration expiration dates. The license shall be renewed upon
27 the payment of a renewal fee, if, at the time of application for
28 renewal, the applicant is not in violation of this chapter and
29 has complied with the regulations adopted by the board, verified
30 by oath or affirmation.

1 (b) Notification of expiration.--The board shall notify a
2 licensee at least 60 days in advance of the expiration of the
3 license.

4 (c) Failure to renew a license.--A licensee shall be
5 responsible for renewing a license before the expiration date. A
6 license that is not renewed before the expiration date shall
7 automatically lapse.

8 (d) Reinstatement fee.--The board may provide for the late
9 renewal of an automatically lapsed license or permit upon the
10 payment of a reinstatement fee. A license or permit that has
11 been expired for more than two years may not be reinstated
12 unless the applicant meets the reinstatement requirements of the
13 accrediting agency.

14 (e) Maintenance of certification and registration.--If
15 applicable, a licensee shall maintain current certification and
16 registration by the applicable certification organization
17 recognized by the board throughout the licensure period and
18 shall not be required to duplicate the continuing education
19 hours submitted to the certification organization.

20 (f) Evidence of compliance.--The board may require a
21 licensee to submit evidence of current certification and
22 registration by the applicable certification organization, which
23 shall be deemed equivalent to the continuing education
24 requirements established by the board to those provided in this
25 chapter and the regulations adopted by the board.

26 (g) Limited operator continuing education.--As a condition
27 of license renewal, an individual licensed as a PA-C fluoroscopy
28 operator or limited X-ray machine operator shall be required to
29 complete continuing education as required pursuant to the
30 regulations adopted by the board.

1 Section 211. Reciprocity.

2 The board may, upon application and payment of proper fees,
3 issue a license to an individual who has been licensed,
4 registered or certified to perform medical imaging or radiation
5 therapy procedures in another jurisdiction if that
6 jurisdiction's standards are substantially equivalent to those
7 provided in this chapter and the regulations adopted by the
8 board.

9 Section 212. Fees.

10 (a) Determination.--The board shall determine by regulation
11 all fees necessary for the administration of this chapter. Fees
12 shall be nonrefundable.

13 (b) Collection.--Fees shall be collected by the board
14 through the Bureau of Professional and Occupational Affairs and
15 shall be paid into the Professional Licensure Augmentation
16 Account for use in accordance with the act of July 1, 1978
17 (P.L.700, No.124), known as the Bureau of Professional and
18 Occupational Affairs Fee Act.

19 Section 213. Disciplinary authority.

20 (a) Disciplinary action.--The board may deny, suspend,
21 revoke or refuse to renew a license or impose probationary
22 conditions on a license if the licensee or applicant for a
23 license, renewal of a license or reinstatement of a license has
24 engaged in any of the following conduct:

25 (1) Obtaining a license by means of fraud,
26 misrepresentation or concealment of material facts.

27 (2) Unprofessional conduct pursuant to regulations
28 adopted by the board.

29 (3) Having been convicted of or pleaded guilty or nolo
30 contendere to a crime involving moral turpitude or a crime

1 that indicates that the licensee or applicant is unfit or
2 incompetent to perform medical imaging or radiation therapy
3 procedures or that the licensee or applicant has deceived or
4 defrauded the public.

5 (4) An act or practice in violation of a provision of
6 this chapter or a regulation adopted by the board or aiding,
7 abetting or assisting any person in such a violation.

8 (5) Committing an act of malpractice, gross negligence
9 or incompetence in performing medical imaging or radiation
10 therapy procedures.

11 (6) Practicing as an individual licensed to perform
12 medical imaging or radiation therapy procedures without a
13 current license.

14 (7) Conduct that could result in harm or injury to the
15 public.

16 (8) Having a license issued under this chapter revoked
17 or suspended or other disciplinary action taken, whether in
18 this Commonwealth or another jurisdiction.

19 (9) Being unfit or incompetent to perform medical
20 imaging or radiation therapy procedures due to deliberate or
21 negligent acts or omissions, regardless of whether actual
22 injury to a patient is established.

23 (b) Reinstatement.--An application may be made to the board
24 for reinstatement of a revoked license if the revocation has
25 been in effect for at least two years after the date of the
26 board's order revoking the license.

27 Section 214. Transfers.

28 The sum of \$85,000, or as much of that amount as may be
29 necessary, is transferred from the Professional Licensure
30 Augmentation Account to the Department of State for the payment

1 of costs associated with processing licenses and renewing
2 licenses, for the operation of the Medical Imaging and Radiation
3 Therapy Board and for other costs associated with Chapter 2. The
4 transfer shall be repaid by the board within three years of the
5 beginning of issuance of licenses by the board.

6 Section 215. Violations.

7 A person who violates a provision of this chapter or the
8 regulations adopted by the board commits a misdemeanor of the
9 third degree. Each act of unlawful practice shall constitute a
10 distinct and separate offense.

11 Section 216. Injunctive relief.

12 The board may make application to an appropriate court for an
13 order enjoining violations of this chapter or the regulations
14 adopted by the board, and upon a showing by the board that a
15 person has violated or is about to violate this chapter or the
16 regulations adopted by the board, the court may grant an
17 injunction or restraining order or take other appropriate
18 action.

19 Section 217. Civil penalties.

20 (a) Authority.--The board may assess a civil penalty not in
21 excess of the amount allowable under State law for the violation
22 of any section of this chapter or the violation of any
23 regulations adopted by the board. The proceeds of any civil
24 penalty assessed under this section shall be paid into the
25 Professional Licensure Augmentation Account.

26 (b) Consideration factors.--Before imposing and assessing a
27 civil penalty, the board shall consider the following factors:

28 (1) The nature, gravity and persistence of the
29 violation.

30 (2) The appropriateness of the imposition of a civil

1 penalty when considered alone or in combination with other
2 punishment.

3 (3) Whether the violation was willful and malicious.

4 (4) Any other factors that would tend to mitigate or
5 aggravate the violations found to exist.

6 (c) Schedule.--The board shall establish a schedule of civil
7 penalties for violations of this chapter and the regulations
8 adopted by the board.

9 (d) Costs.--The board may assess the costs of disciplinary
10 actions against a person found to be in violation of this
11 chapter or the regulations adopted by the board.

12 CHAPTER 20

13 MISCELLANEOUS PROVISIONS

14 Section 2001. Repeals.

15 Repeals are as follows:

16 (1) The General Assembly declares that the repeals under
17 paragraphs (2) and (3) are necessary to effectuate the
18 addition of Chapter 2.

19 (2) Section 16.4 of the act of October 5, 1978
20 (P.L.1109, No.261), known as the Osteopathic Medical Practice
21 Act, is repealed.

22 (3) Section 45 of the act of December 20, 1985 (P.L.457,
23 No.112), known as the Medical Practice Act of 1985, is
24 repealed.

25 Section 2002. Effective date.

26 This act shall take effect immediately.